

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK)	
COUNTY OF BRONX)	<u>SUMMONS</u>
-----X)	
MARYLIN GONZALEZ,)	Index # _____/2020
	Plaintiff,)	Plaintiff Designates:
)	BRONX County
)	as the place of trial
	- against -)	
)	Basis of the Venue is:
)	Plaintiff's residence
)	1319 Bristow Street, Bronx,
DOLLAR TREE STORES, INC.,)	New York 10459
	Defendant.)	
-----X)	

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Defendants' address:	Plaintiff's Attorneys:
DOLLAR TREE STORES, INC. C/O Corporation Service Company 80 State Street Albany, New York, 12207-2543	CONDE LAW FIRM P.L.L.C Attorney for the Plaintiff MARYLIN GONZALEZ 299 Broadway, 17th Floor, New York, New York 10007 (917)470-2837

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6. That on June 8, 2019, and at all times hereinafter stated Defendant, DOLLAR TREE STORES, INC., their agents, servants and/or employees managed the premises of the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York.
7. On June 8, 2019, and at all times hereinafter stated Defendant, DOLLAR TREE STORES, INC., their agents, servants and/or employees operated the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York.
8. On June 8, 2019, and at all times hereinafter stated Defendant, DOLLAR TREE STORES, INC., its agents, servants and/or employees controlled the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York.
9. On June 8, 2019, and at all times hereinafter stated Defendant, DOLLAR TREE STORES, INC., their agents, servants and/or employees, were responsible for the maintenance, safety, operation and control of the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York.
10. On June 8, 2019, and at all times hereinafter stated Defendant, DOLLAR TREE STORES, INC., had actual and constructive notice of a dangerous, hazardous and defective condition at the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York.
11. On June 8, 2019, and at all times hereinafter stated, a metal shelf was carelessly and negligently left on the floor at the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York, because it had been left there by Defendant, DOLLAR TREE STORES, INC.
12. On June 8, 2019, and at all times hereinafter stated, the dangerous condition referred to herein was caused and/or created by Defendant, DOLLAR TREE STORES, INC. and its employees, agents and/or servants.
13. On June 8, 2019, while Plaintiff, MARYLIN GONZALEZ, was lawfully upon the premises of the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York, when

she was caused to slip and fall at said location on a metal shelf/rack on the floor of the aisle which caused a dangerous, hazardous and defective condition.

14. On June 8, 2019, the hazardous condition was caused and created by said Defendant, DOLLAR TREE STORES, INC., their agents, servants and/or employees.
15. On June 8, 2019, while Plaintiff, MARYLIN GONZALEZ, was lawfully at the aforementioned premises of the DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York, said Plaintiff was caused to suffer serious personal injuries as a result of slipping and falling on the aforementioned metal shelf/rack, including but not limited to left knee and furthermore, Plaintiff was subjected to prolonged period of physical pain and mental anguish as a result therefrom.
16. That the above-mentioned occurrence and the results thereof were caused by the joint, several and concurrent negligence of Defendant and/or said Defendant's servants, agents, employees and/or licensees in the operation, management, maintenance and control of the aforesaid DOLLAR TREE STORE located at 4660 Third Avenue, Bronx, New York, including but not limited to the aforesaid metal shelf/rack; in causing, allowing and permitting the aforesaid metal shelf/ rack at the place above mentioned to be, become and remain for a period of time after notice, either actual or constructive, in a dangerous and/or hazardous state; in causing, allowing and permitting a trap to exist at said location; in failing to maintain the aforesaid DOLLAR TREE STORE in a reasonably safe and proper condition; in causing, allowing and permitting an obstruction to Plaintiff's safe passage at said location; in failing to provide Plaintiff with safe and proper ingress and egress on the premises; in causing, allowing and permitting the existence of the metal shelf/rack to interfere with and prevent Plaintiff's safe passage; in failing to properly maintain and/or remove the metal shelf/rack at the aforesaid premises; in causing, allowing and permitting the existence of a condition which constituted a trap, nuisance, menace and danger to persons lawfully on said premises; in failing to have

taken necessary steps and measures to have prevented the above-mentioned location from being used while in said dangerous condition; in failing to give Plaintiff adequate and timely signal, notice or warning of said condition; in negligently and carelessly causing and permitting the above-said premises to be and remain in said condition for an unreasonable length of time, resulting in a hazard to Plaintiff and others; in failing to take suitable and proper precautions for the safety of persons on and using said premises; and in being otherwise negligent and careless.

17. No negligence on the part of Plaintiff, MARYLIN GONZALEZ, contributed to the occurrence alleged herein in any manner whatsoever.
18. Because of the above stated negligence of Defendant, Plaintiff, MARYLIN GONZALEZ, was caused to sustain serious injuries and to have suffered pain, shock, mental anguish; that these injuries and their effects will be permanent; that as a result of said injuries Plaintiff was caused and will continue to be caused to incur expenses for medical care and attention; and Plaintiff was and will continue to be rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.
19. This action falls within one or more of the exceptions set forth in CPLR §1602.
20. As a result of the foregoing Plaintiff, MARYLIN GONZALEZ, was damaged in a sum exceeding the jurisdictional limits of all lower courts on the first cause of action.

AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF THE PLAINTIFF:
NEGLIGENT HIRING AND RETENTION

21. That at all times hereinafter mentioned Plaintiff, MARYLIN GONZALEZ, repeats, reiterates and realleges each and every allegation set forth above numbered "1" through "20" as if more fully set forth at length herein.
22. That Defendant, DOLLAR TREE STORES, INC., failed to exercise reasonable care and diligence in the selection and hiring of its agents, servants and employees.

23. That Defendant, DOLLAR TREE STORES, INC., failed to exercise reasonable care and diligence in the selection, screening, retention, engagement, employment, supervision and training of its agents, servants and employees.
24. That as a result of the foregoing Plaintiff, MARYLIN GONZALEZ, was damaged in a sum exceeding the jurisdictional limits of all lower courts on the second cause of action.

WHEREFORE, Plaintiff, MARYLIN GONZALEZ, demands judgment against Defendant in a sum exceeding the jurisdictional limits of all lower Courts on the first and second causes of action, together with attorneys' fees and the costs and disbursements of this action.

DATED: New York, New York
June 2, 2020

Yours, etc.,



BY: MARION A. CONDE DA SILVEIRA, Esq.
CONDE LAW FIRM P.L.L.C
Attorney for the Plaintiff
MARYLIN GONZALEZ
299 Broadway, 17th Floor,
New York, N.Y. 10007
917-470-2837

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)

I, MARION A. CONDE DA SILVEIRA, the undersigned, an attorney admitted to practice law in the Courts of the State of New York, do state under penalty of perjury that I am the attorney for the plaintiff in the within action; that I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; that the same is true to my own knowledge, except as to those matters that I believe to be true. The reason this verification is being made by me and not by my client is that my client is not presently within the county wherein I maintain my offices, and does not reside in the county wherein I maintain my offices. The grounds of my belief as to all matters are stated upon my own knowledge based on the investigative materials in my file and the investigation conducted by my office.

Dated:

New York, New York
June 2, 2020



MARION A. CONDE DA SILVEIRA, Esq.
CONDE LAW FIRM P.L.L.C
Attorney for the Plaintiff
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New York, N.Y. 10007
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Index Number: _____/2020

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
MARYLIN GONZALEZ,

Plaintiff,

-AGAINST-

DOLLAR TREE STORES, INC.,

Defendant.
-----X

SUMMONS AND COMPLAINT
-----X

CONDE LAW FIRM P.L.L.C

Attorney for the Plaintiff

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